

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States of America)

v.)

-01 Oziel ZUNIGA - YOB: 1996 / COB: U.S.)

-02 Leopoldo OCHOA - YOB: 1997 / COB: U.S.)

Case No. M-19-2255-MDefendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 09/18/2019 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § 922(a)(6) & 2(a)

, an offense described as follows:

It shall be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.Approved by: M. R. L. L., AUSA
9/19/19amoon

Complainant's signature

Carlos M. Delgado, Jr, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 9/19/19 - 8:40 a.m.City and state: McAllen, TexasJuan F. Alanis

Judge's signature

Juan F. Alanis, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

This affidavit is in support of a criminal complaint charging Oziel Enrique ZUNIGA ("ZUNIGA") and Leopoldo OCHOA ("OCHOA"), with the criminal violation set forth in Attachment A. The evidence available to me demonstrates that there is probable cause that ZUNIGA and OCHOA have violated Title 18 U.S.C. Section 922(a)(6) and 2(a) which provide as follows:

The Affiant states as follows:

On September 18, 2019, ATF Special Agents (S/As) assisted by Homeland Security Investigations (HSI) and the Hidalgo County Sheriff's Office (HCSO) conducted surveillance of a local federal firearms licensee (FFL) in McAllen, TX. While conducting surveillance, law enforcement officers observed a black SUV arrive at the FFL driven by Oziel ZUNIGA with Leopoldo OCHOA in the passenger seat. OCHOA got out of the vehicle and entered the FFL. Shortly thereafter, OCHOA left the FFL carrying a rifle box and boarded the aforementioned SUV. The vehicle left the parking lot and law enforcement officers (LEOs) conducted mobile surveillance of the vehicle. The vehicle traveled towards what was later determined to be ZUNIGA's townhouse located in Pharr, TX.

Once the vehicle parked outside of the residence, ATF S/As made contact with and interviewed OCHOA and ZUNIGA. Post-Miranda, OCHOA admitted to receiving \$150.00 for straw purchasing the aforementioned firearm which was identified as an AK-47 type firearm for ZUNIGA. In addition, OCHOA admitted to straw purchasing several other firearms for ZUNIGA. Furthermore, OCHOA admitted he knowingly made false statements material to the lawfulness of the sale of the firearm which was likely to deceive the FFL when he indicated on the ATF Form 4473 that he was the actual purchaser of the firearm when in fact he was purchasing the firearm for ZUNIGA. Moreover, ZUNIGA admitted to recruiting OCHOA to straw purchase several firearms on his behalf to include the aforementioned AK-47 type firearm from local FFLs. Lastly, ZUNIGA stated that he was paid \$30.00 for each firearm and stated that the firearms straw purchased by OCHOA were subsequently trafficked into Mexico.